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**VIA ECF**

The Honorable Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, New York 10007

Re: *Jones-Cruz v. Victor Rivera, et al.*,  
Civil Action No. 19-cv-06910 (PGG)

Dear Judge Gardephe:

This law firm represents Defendant Brookdale University Hospital Medical Center (the “Hospital”) in the above-referenced matter. Pursuant to the Court’s Order, dated January 13, 2023, the Hospital submits this response to Plaintiff’s January 12, 2023 letter motion requesting an extension of time and permission to file a third amended complaint.

The Hospital submits to the Court that Plaintiff must move to request leave to amend her complaint, for a third time, in accordance with Federal Rule of Civil Procedure (“FRCP”) 15(a)(2). Notwithstanding, if the Court is inclined to grant Plaintiff leave to amend her complaint, the Hospital requests that the Court set a deadline by which the Hospital must respond to the amended pleading beyond the time prescribed under FRCP 15(a)(3) due to the scheduling needs of counsel.

We thank the Court for its consideration of the foregoing.

**MEMO ENDORSED**

Respectfully submitted,

/s/ Allison B. Gotfried

Plaintiff recently obtained a Right to Sue Letter from the EEOC and thus may now pursue a claim under the Americans with Disabilities Act. With a federal claim now in this case, this Court may exercise supplemental jurisdiction over Plaintiff’s NYSHRL and NYCHRL claims. Accordingly, Plaintiff’s request to file a Third Amended Complaint (N.Y. No. 62) is granted. The Third Amended Complaint will be filed by Jan. 24, 2023. Defendant will file its answer by February 14, 2023. The Court will conduct a conference ~~in this matter~~ on February 15, 2023 at 11:30 A.M. in Courtroom 705, 40 Foley Square, New York, N.Y.

*Paul G. Gardephe, U.S.D.J.  
Dated: Jan. 20, 2023*